

ITEM NO.104

COURT NO.5

SECTION XI

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 9165-9172 OF 2010

SUNIL KUMAR VERMA AND ORS

Appellant (s)

VERSUS

STATE OF U.P.& ORS.

Respondent(s)

(With appln(s) for exemption from filing O.T. and impleadment as petitioner and permission to file additional affidavit and office report)

WITH Civil Appeal NO. 6716 of 2013

(With office report)

SLP(C) NO. 19001 of 2013

(With appln.(s) for exemption from filing c/c of the impugned judgment and exemption from filing O.T. and with prayer for interim relief and office report)

Date: 23/05/2014 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DIPAK MISRA

HON'BLE MR. JUSTICE N.V. RAMANA

(VACATION BENCH)

For Appellant(s)

Mr.Amrendra Sharan, Sr.Adv.

Mr.Santosh Tripathi, Adv.

Mr.Aseem Chandra, Adv.

Mr.Sunil Kumar Verma, Appellant-in-Person

Mr. Balraj Dewan, Adv.

Mr. K.L. Janjani, Adv.

Ms. Shalu Sharma, Adv.

For Respondent(s)

Mr.Pramod Swarup, Sr.Adv.

Ms.Alka Sinha, Adv.

Ms.Sushma Verma, Adv.

Mr. Anuvrat Sharma, Adv.

Mr. Ravindra Kumar, Adv.

UPON hearing counsel the Court made the following

O R D E R

C.A.Nos.9165-9172 of 2010

Heard in part.

We have heard Mr.Amrendra Sharan, learned senior counsel

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for the appellant, Mr.Pramod Swarup, learned senior counsel for the State of U.P. and Mr.Sunil Kumar Verma, one of the appellants who has appeared in-person.

Mr. Amrendra Sharan, learned senior counsel, apart from assiduously putting forth certain legal submissions also contended that the State of Uttar Pradesh has not appositely treated the appellants on technical and flimsy grounds, though quite a number

of employees have been absorbed in various departments of the Government and other Corporations. Learned senior counsel further submitted that the State-owned Corporations under the obtaining factual matrix, should have shown the attitude of a model employer in a socialistic democratic body polity, but on the contrary, the State had issued a set of Rules, namely, Uttar Pradesh Absorption of Retrenched Employees of Government or Public Corporations in Government Service (Rescission) Rules, 2003 to destroy the means of livelihood of the employees.

We have been apprised at the Bar that the employees whose services have been dispensed with have been going through tremendous rough weather as they have become age barred and not in a position to get any employment.

Having regard to the aforesaid submission, without expressing anything on the merits of the case, we require Mr. Pramod Swaroop, learned senior counsel appearing for the State of Uttar Pradesh to apprise the competent authority of the State Government to explore the possibility to do some thing affirmative in respect of the appellant-employees which should be within the acceptable

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norms. When we say acceptable norms, it may mean alternative appointment without back wages or extending the benefit of voluntary retirement without back wages as a sequence of which the employees can get some pensionary benefits or payment of certain lump sum amount. It is clarified that this is an expression of a suggestion and not to be construed as an expression of opinion on the legal issues.

Let the matter be listed on 25.07.2014 for further hearing.

The Registry is directed to send a copy of the order to the Chief Secretary of the State of Uttar Pradesh so that he can co-ordinate between various departments and apprise the concerned authorities about the order of this Court.

C.A.No.6716 of 2013

Learned counsel for the appellants is directed to file

process fee and spare copies of the special leave petition.

Ms.Alka Sinha, the instructing counsel of Mr.Pramod Swarup, learned senior counsel, accepts notice on behalf of the State of Uttar Pradesh.

SLP(C) No. 19001 of 2013

Issue notice.

Ms.Alka Sinha, the instructing counsel of Mr.Pramod Swarup, learned senior counsel, accepts notice on behalf of the State of Uttar Pradesh.

(Satish K.Yadav)
Court Master

(Renuka Sadana)
Court Master